

**POLICY AND PROCEDURE  
FOR  
RIGHT-OF-WAY PLAN REVIEW  
AND  
PERMIT PROCESSING**

**Right-of-Way Permitting and Plan Review Section**

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## **RIGHT-OF-WAY PERMITTING AND PLAN REVIEW SECTION – JOSEPH CHEUNG, MANAGER**

### **RECORD PLAT REVIEW**

Christina Contreras  
Gery Mosuela

### **GRADE ESTABLISHMENT PLAN**

Mike Gurganus  
Christina Contreras  
Gery Mosuela

### **STORM DRAIN AND PAVING PLAN**

Amit Basu  
Mike Gurganus  
Nick Kotzalas  
Atiq Panshiri

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Sarah Navid

# POLICY AND PROCEDURES FOR RECORD PLAT REVIEW

## GENERAL COMMENTS:

Whenever an owner of land in the county proposes to subdivide or resubdivide his property, and before any contract for the sale of or any offer to sell such subdivision is made, or before any development or construction of any building takes place within the subdivision, the owner or subdivider is required under the Montgomery County Code chapter 50 to file a plat of the proposed subdivision with the Maryland National Capital Park and Planning Commission (MNCP&PC) and Department of Permitting Services (DPS) approvals and the approved plats shall be recorded in the land records of the county

## General Requirements:

### PLAT LAYOUT

Drafting and sizing standard - drawn in black ink on Mylar with a typical sizing either 18 inches by 18 inches or 18 inches by 24 inches in some cases.

General information needed - the name of subdivision, description of blocks and lots, location of subdivision by election district, town, taxing area,

Approval Block information - name and date of approvals by DPS and MNCP&PC, file number of the preliminary plan upon which the record plat is based (if applicable),

Other Misc. information - zoning classification of the property, total number of lots, outlots or parcels included on plat, total area shown on plat including street area dedicated to public use, existing or proposed covenants,

Title Block - name and address of registered land surveyor who prepared the plat and any information as the DPS and MNCP&PC may require.

## REVIEW PROCESS

- a) Types of Subdivision Record Plats – There are three kinds of plats, namely regular subdivision, minor subdivision and a subdivision plat waiver.
  1. **Standard subdivision plat** is a plat based on a preliminary plan prepared in accordance with Section 50-35 of the County Code.
  2. **Minor subdivision plat** is a plat prepared in accordance with Section 50-35A of the County Code that does not require a preliminary plan
  3. **Record plats waivers** are submitted under waiver when the planning board determined that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements of the above sections from being achieved.

- b) Agencies involved in the record plat approval process – Initial submittal of record plat applications is sent to MNCP&PC where each plat is assigned with a file number (2-02200 for example), the required forms may then be submitted, along with prints and supporting data to both DPS and Department of Environmental Protection (DEP) to initiate the review process. DEP reviews plats concerning items related to the water and sewer plan of the county. **It is no longer necessary to wait until the Planning Board Chairman has approved the plat before starting the DPS and DEP reviews.**

- c) DPS Review Requirements –

**For Standard plats:**

- \* Completed checklist,
- \* Three (3) copies of record plat,
- \* One (1) copy each of DEP record plat information form,
- \* Approved preliminary plan with opinion,
- \* DPW&T approval letter,
- \* Grade establishment plan (if applicable),
- \* Site plan (if applicable),
- \* Draft copy of Public Improvement Agreement (if applicable),
- \* Draft copy of Open Space Covenant (if applicable),
- \* Draft copy of Public Improvement Easement (if applicable).

**For Minor plats:**

- Completed checklist,
- Three (3) copies of record plat,
- One (1) copy each of DEP record plat information form,
- Approved MNCP&PC sketch plan

**For Subdivision Waiver Plats:**

- Completed checklist,
- Three (3) copies of record plat
- A copy of MNCP&PC waiver letter.

- d) Some plats have well and septic features and require the approval of Well and Septic Section based on the Code of Maryland (COMAR 26). The Right of Way reviewer, being the lead reviewer on plat matters within DPS, internally routes a print of the plat to them. Once the plat has been approved by Well and septic section. They will generate a memo back to ROW section for our file. There are cases where well and Septic information are lacking on the plat. A copy of the plat will be forwarded to Well and septic for their verification.

- e) Public Improvements Agreement (PIA) – This instrument is used in lieu of obtaining permits and bonds to assure the completion of public improvements prior to recordation of plat. The developer is allowed to enter into a PIA agreement with the county to guarantee the said improvements by as prescribed by Section 50-37 of the Montgomery County Code. PIA is only allowed when there are new roadway construction proposed in the subdivision, and is specified in the Department of Public Works and Transportation (DPW&T) approval letter.
- f) DPS review fee required – Review fees are collected as part of the overall Storm Drain permit fee.

**PRELIMINARY REVIEW: The plats are log in by the Permit Tech. at the Casework Management Division. They will generate the Hansen application number for the application.**

- a) Check the contents of the submittal package for completeness per Checklist for Record plats. Request submittal of applicant any items not included in the package.
- b) Log Record plat submittal into the Excel Record Plat Log.
- c) Log review into Hansen before beginning plat review. Remember to adequately note the date of receipt in Hansen.
- d) Prepare a file envelope for each plat with plat file number, name of the subdivision, lots and block, Hansen number and preliminary plan number referenced on the top right- hand corner of the envelope.

**RECORD PLAT TECHNICAL REVIEW:**

- a) Check if the general plat items like title block, vicinity map, owner's and surveyor certifications, north arrow reference, signature blocks, etc. are shown on the plat.
- b) For standard plats, check if the plat streets/lots layout are consistent with the approved preliminary plan.
- c) Verify the plat ties into either existing dedicated or prescriptive right of way. If not, the property owner needs to purchase and dedicate the necessary right of way.
- d) **Check the accuracy of the bearings and lengths of all block and lot lines, together with the length of radii, arcs tangents and chord bearings and central angles for all curves in the layout. A curve table shall be used containing**

these data and referenced to the curves shown on the drawing. **Make sure that north arrow orientation is consistent with the bearing of the property lines.** North arrow may either be WSSC or Maryland Coordinate System referenced.

- e) Check if plat shows a combination of either three (3) grid ticks and three property corners with coordinate values, or four (4) property corners with coordinate values, if not using grid ticks.. Adjacent property or deed references should also be shown around the property.
- f) Check if slope easements are is dedicated in the owner's dedication. Verify the need and applicability. Slope easements are to be set at the building restriction line, or determined by a specific grading study. Usually the consultants will indicate that the slope easement is revertible upon acceptance of the construction from DPW&T maintenance division.
- g) The owner's dedication should indicate that public utility easements be dedicated to the utility companies. Typically, the PUE is 10 feet wide, except where it overlaps a public improvement easement (PIE). PIE's are usually required on tertiary roads and may be necessary along roads where sidewalk construction is required. These documents should be recorded in the land records of the county, with liber and folios referenced on the plat.
- h) Check if dedications of areas for future widening of existing roadways and areas for proposed interior streets are dedicated to public use, and are included in the owner's certification
- i) Also on owner's certification, if applicable, check if conservation easements are granted to the MNCP&PC, with liber and folio referenced on the plat.
- j) Storm drain easements are usually not included on the record plat since the consultant typically has not received approval of their storm drain plan, at the time of plat submission. If a storm drain easement is shown on the plat, check the courses or bearings, distances and area of the proposed easement and make sure the said easement is dedicated in the owner's certification.(also see certification requirement below)
- k) Check if a note is included in the owner's certificate indicating the owner should cause the setting of property corners by a registered surveyor as required under Section 50-24 (e) of the County Code. If a storm drain easement is shown as part of the dedication on the plat, certification from a Professional Land Surveyor or a Professional Engineer will be required.
- l) Check the general notes if zoning and tax map locations, preliminary and site plans reference (if applicable) and other pertinent information are included.

- m) Check if the deed referencing the property transfers or conveyances, a note ensuring the setting of property corners, total area of the property and area of dedication to public use are, are included in the surveyor's certificate.

#### **SUPPORTING DOCUMENTS TECHNICAL REVIEW:**

- a) **Public Improvements Agreement (PIA)**  
Check if the document identifies the name and street classification of the roadway, and is accurately described as shown on the approved Grade Establishment plan. Check the signatories if they conform to the following:  
1) if the developer is a group of individuals, all parties should be identified on the form as individuals and be signatory to the agreement.  
2) If the developer is a corporation, the form needs to be signed by the corporate officers twice; once in their official capacities and again as individuals.  
3) If the developer is a partnership, the partnership's general partner may sign the form, personal signatures are not necessary when the partnership includes a corporation.
- b) **Public Improvements Easement (PIE)**  
Verify the following items such as new form is being used, street classification is being correctly identified, the document is notarized, and the deed reference for this document is shown on the plat at owner's certification.
- c) **Covenant for Private Open Spaces/Storm Drains/Streets**  
Check if this document provides the operation and maintenance of the private open spaces, storm drain systems and streets and the deed reference for this document is provided on the record plat.
- d) **Declaration of Covenants for Roadway Improvements**  
This is otherwise known as Front Foot Benefit Project document and is required, if specified on the DPW&T letter, if the future construction/reconstruction of roadway fronting the property is necessary. Verify if this document is recorded in the land records and referenced on the plat.

#### **FINAL SIGNATURE**

**Before forwarding the plat for the Director's signature, make sure the plat is signed by the Planning Board Chairman of MNCP&PC, and that DEP and/or Well & Septic approval memos have been received as applicable.**

# **POLICY AND PROCEDURE FOR GRADE ESTABLISHMENT PLAN REVIEW**

## **GENERAL COMMENTS**

A grade establishment plan is needed to ensure the propose street grade conforms with the Montgomery County Code for proper sight distance based on roadway classification.

### **1) Preliminary Review**

- a) Log Grade Establishment submittal into Excel using number generated in Hansen and store in bin.
- b) Take submittal out of bin for review in chronological order as to date submitted to DPS as shown on the Excel log.

### **2) General Review**

- a) Check contents of package for completeness per "Check List for Grade Establishment Plans and Profiles."
  - i) If Preliminary Plan or Site Plan is not approved and signed, return submittal to Engineer as incomplete submittal and unreviewed.
- b) Confirm horizontal alignment and geographic location of all streets to be as shown on Preliminary Plan.
  - i) If alignment and/or location are not as shown on Preliminary Plan, return submittal unreviewed and request revised and approved Preliminary Plan to reflect alignment shown.
- c) Review MCDPW&T Preliminary Plan Letter for any special or unusual conditions they may require.
  - i) If letter is not included in submittal, request copy as a plan review comment.
- d) Make sure all items are shown on plan and profile sheets as described on "Check List..." This is a major part of the review and the Check List is extremely valuable to ensure consistency and compliance to appropriate codes and policies.
- e) A Typical Roadway Cross-section should be shown on each plan sheet.
  - i) The Cross-section should comply with the appropriate county standard for the specified classification of roadway.
  - ii) Any variance to the appropriate standard needs to be approved and documented by MCDPW&T.
- f) A Typical Paving Section should also be shown on each plan sheet.
  - i) Type of material, number and thickness of layers should reflect the appropriate standard paving section for the specified classification of roadway.



- g) If Plan includes cul-de-sacs, the appropriate County standard or reference to County standard number should appear on plan sheet.
  - i) Cul-de-sac geometry should be checked for conformance to County standard.
  - ii) Maximum grade in cul-de-sac bulb is 6%.
    - (1) This grade is measured on a theoretical extension of the centerline of the roadway entering the cul-de-sac.
- h) Compare Drainage Area Map and Grade Establishment Plan to see if overall drainage design is conceptually practical.
- i) Determine if the roadway grading will impact adjacent properties.
  - i) If grading impacts are detected, the appropriate easements should be shown on Plan.
- j) When a proposed street intersects an existing roadway that is not constructed on an approved profile, a certified sight distance evaluation should be required from the Engineer for the proposed location.
- k) Review Landing Grades at all intersections.
  - i) Landing Grades are generally dictated by the Road Code.
    - (1) An exception to this is when the Code calls for a 2% landing grade at Arterial and Primary Residential Roads. This percentage was enacted when the standard cross-slope for roadways was 2%. Currently, the standard cross-slope for all Montgomery County roadways is 3%, thus making it logical to enforce a policy of 3% landing grade down from the intersection. If traveling up from the intersection a landing grade of 2% is still in effect.
      - (a) The Code also states ".....slope down from the centerline of the road intersected to a point along the gutter line, then a 2% slope up, providing a low point at the gutter line of the intersected arterial or primary road and a short tangent of 2% rising to the point of tangent for the fillet curve at the intersection." This statement is only enforced when the intersecting road is designated as Private. All other instances, water is allowed to flow around the fillet and continue along the public street.
    - (2) At intersecting roadways, the higher classification of roadway takes precedence and determines the appropriate landing grade. For instance, if a tertiary road intersects a secondary road, use the landing grade designated for a secondary roadway (4% not the 6% designated for tertiary roadway)
    - (3) Landing grades are to be held to the point of tangent for the fillet curve of the intersecting roadway.
    - (4) Landing grades may be positive or negative.
  - l) All fillet radii are to be a minimum of 30 feet unless previously approved by MCDPW&T or MCDPS Site Plan Review.

- m) Determine if proposed street(s) intersect or impact any designated Rustic Roads.
  - i) Ensure the Grade Establishment design preserves the historic and scenic characteristics intended by the Rustic Road Program.
  - ii) Since grading will be limited where intersecting Rustic Roads, a certified sight distance evaluation should be provided by the Engineer.
- n) On open section roadways have curb and gutter shown on all fillets per standard No. MC-210.01 except when intersecting a Rustic Road
  - i) No curb and gutter is to be constructed at the intersections of Rustic Roads.
    - (1) If, for engineering or safety concerns it becomes necessary to introduce curb at the intersection, then bituminous curb, standard number MC-103.01 should be used.
    - (2) Curb and gutter are not required along primary and secondary residential road outside the Suburban District when a majority of the lots abutting the road have a frontage of 70 feet or more. No waiver is needed for this.
- o) Sidewalks are to be shown on both sides of all roadways per standard, except on lots zoned 25,000 square feet and larger.
  - i) Waivers for sidewalks on tertiary streets are the responsibility of the Planning Board. All other sidewalk waivers are performed by DPS
  - ii) Waivers are to be approved and documented prior to Grade Establishment approval.
- p) After Grade Establishment Plans have been reviewed and found to be satisfactory for DPS approval, determine if the plan is to be stamped for Final or Tentative Approval
  - i) All approvals, Final and Tentative are reviewed and cosigned by Maryland National Capitol Park and Planning Commission (MNCPPC). MNCPPC assigns an approved profile number to each street and is the official record keeper for Grade Establishments
  - ii) Plans may be stamped Final Approval if after review and certified by the Design Engineer that there are no existing utilities in the right-of-way, and no portion of the right-of-way lies within, crosses or connects with an existing or proposed state road.
  - iii) Review Plan and Engineers Certificate. If there are existing utilities in the right-of-way, or if a portion of the right-of-way lies within, crosses or connects with an existing or proposed state road, the Plan is to be stamped Tentative Approval and returned to the Engineer. After obtaining signature approval from the appropriate agency(s), the Plan is returned to DPS for review. If the Plan is found to be satisfactory, it is then stamped and signed Final Approval.
  - iv) If the proposed alignment for the Grade Establishment crosses or impacts an existing right-of-way or utility other than those normally encountered within the county, (e.g., major transmission lines) written approval from the owner or appropriate agency must be documented prior to Final Approval.

### 3) Technical Review

- a) Compute and check tangent grades and elevations.
- b) Compute and check stations and elevations at all control points of vertical curves (i.e., PVC, PVT, PVI, and external distance).
- c) Compute and check stations and elevations of high points on crest curves and low points in sag curves.
- d) Ensure drainage facilities are properly located (in sump areas) on sag curves.
- e) Check all vertical curves for the required minimum sight distance per "Montgomery County Code."
- f) For specific design requirements see the "Montgomery County Road Construction Code and Standard Specifications," Part III, Section I, 6, (page 146).
  - i) Length of vertical curve over the **crest** of a hill shall be determined by **minimum nonpassing sight distance** for the appropriate classification of roadway
    - (1) The formulas to compute nonpassing sight distance can be found in AASHTO Green Book, but remember to substitute the appropriate height of eye and height of object to accommodate Montgomery County Road Code.
  - ii) Length of vertical curve in a **sag** curve is determined by **headlight sight distance** for the appropriate classification of roadway.
    - (1) The formulas for this computation can also be found in the "Green Book"
      - (a) Assume the headlight height to be 2 feet and a 1 (one) degree divergence of the light beam from the horizontal axis of the vehicle.

### 4) Superelevation

- a) Occasionally superelevation is introduced on county roads classified as Arterial and higher. The review and approval is part of the grade establishment approval process, and the design should be shown on the Grade Establishment Plan.
  - i) A Superelevation Table or Superelevation Diagram should be shown as part of the Plan.
    - (1) The Table or Diagram should include all controlling stations and elevations of the superelevation design. e.g. Centerline, Profile Grade Line, Point of Rotation, Edge of Paving, Full Superelevation Limits, Begin and End Transitions (runout and runoff),
    - (2) Montgomery County's accepted guidelines and policies for superelevation on roadways are as follows:
      - (a) Maximum Superelevation ( $e_{max}$ ) should equal 4%.
      - (b) Transitions from normal crown to full superelevation are to be 1/3 within the horizontal curve and 2/3's in tangent portion.
      - (c) For the appropriate rate of change in cross slope and other design elements of superelevation, refer to AASHTO's "A Policy on Geometric Design of Highways and Streets."

# **POLICY AND PROCEDURE FOR PAVING AND STORM DRAIN PLAN REVIEW**

## **General Comments**

Check the submittal package against DPS Check List for Paving and/or Storm Drainage Plans and Profile to insure a complete package has been submitted for review.

On occasion the Paving and Storm Drain plan maybe reviewed without an approved Grade Establishment Plan, but only if the grade establishment plan was reviewed once and there were no major revisions required.

All non-standard items included for review, i.e. brickpavers outside of urban districts, tree spacing, modified typical sections, etc. must be approved by DPW&T (in writing).

If not included in the submittal package, request a copy of DPW&T letter stating what public improvements they required as part of their preliminary plan approval. (You will need this for development adjacent to an existing road.)

A Declaration of Covenants for non-standard items in the right of way must be recorded prior to plan approval.

Request copies of all waivers approved by Park & Planning. (P&P is responsible for S/W waivers on tertiary streets.)

Inhouse Traffic Engineer (Sarah) should review the plans for geometric layout. (Major intersection geometry)

A DPW&T approved Traffic Control Plan or written documentation that a TCP is not required must be provided prior to plan approval. (for work on or adjacent to primary or higher classification roadways.) If the road happens to be a Secondary road but is adjoining to a business district or commercial areas, a TCP will be required and submitted to DPWT for review.

### **General items to check in plan review.**

Before beginning a plan review be sure to log review into Hansen. (Refer to the Hansen log in procedure).

Check all typical sections for compliance to the standards. For work on existing roads see DPW&T's requirements. Don't forget deceleration lanes on major roadways. Relocate utility poles per our guidelines.

Check to see that proposed improvements are labeled with the correct standard numbers.

Check for non-standard items in the right of way.

Check the General Notes.

Check all tie ins to existing street pavement, sidewalks, etc.

Check storm drain easement widths.

Check Hydrology method and assumptions. Rational Method for pipe flow.

Check spread computations for curb opening inlets

Check locations of existing utility pole for possible relocation. (refer to Utility Pole relocation policy)

Check the connection of a private system to a public system to insure that the first public structure in the right of way is not a manhole. If the private fails the county wants a relief valve for the system ( minimum size 15 " dia. for public system).

HDPE pipe can be used in the public right of way for connection of inlets from private to public use, but cannot be used under the roadway pavement. Adequate bedding is mandatory.

All plans are to be sealed and signed by a P.E. (Storm drain only plans maybe signed by a R.L.S.)

### **General items to check in the pipe profile and schedules**

Check structure depth (shall not exceed 12') and pipe class.

Check profile to see if labeled public/private.

Check if pipes need rubber gasket due to HGL. HGL must be shown on the profile.

Check minimum slope of pipe. Make sure outlet velocities are shown as "Actual Velocity" as opposed to Full velocity.

Check outfalls to insure all concrete footers are extended to the bottom of the rip rap. Check also the rip rap length and blanket thickness for prop outfall.

All cross culverts less than 72" in diameter must be RCP not CMP. Be sure to request an extra copy of the culvert plan at plan approval for DPWT-Design Section.

No structures, footers, sheds, retaining walls, etc. are allowed within the limits of the public right of way, storm drainage easement or public improvement easement. No private S/D structures are allowed on the S/D easement or public right of way.

Check for these notes:

No pipe shall be constructed into the corner of a square or rectangular storm drain structure. A minimum clearance of 12 inches must be provided between any outside corner of the structure and the outside diameter of the pipe. This requirement applies to all storm drain structures whether precast or constructed of brick.

All Precast Structures and Suppliers of "alternate equal structures" are to be previously approved by MCDPW&T.

Check wording of the Storm Drain Certification.

I hereby certify that the storm drain designed herewith conforms to the Montgomery County Department of Public Works & Transportation "Storm Drain Criteria" dated August 1988.

### **Structural Design**

Any precast inlet design must be on the previously approved list published by DPWT-Construction Section. Any non-standard precast substitute must be approved by DPWT prior to plan approval. Any pour in place structure such as large headwalls or retaining walls must be submitted with design computations for review and approval and must be certified separately by a registered Professional Engineer

**The following is a list of reference material to utilize for plan view**

Montgomery County Storm Drain Design Criteria dated August 1988

Montgomery County Department of Public Works & Transportation Design Standards

Frederick Precast Concrete Standard Book

Montgomery County Code Chapters 49 & 50

State Highway Administration Book of Standards

A Policy on Geometric Design of Highways and Streets (AASHTO Green Book)

Bethesda, Silver Spring and Wheaton Streetscape Standards

A Guide to Permitting Services

Common Sense

Sound engineering practices

U.S. Department of Transportation Federal Highway Administration  
Roundabouts: an Informational Guide Publication No. FHWA-RD-00-067

Department of Public Works and Transportation Policies and Procedures for Work Within the Public Right of Way and Easements. Copies of the different policies and procedures are available from Right-of-Way Permitting and Plan Review staff members.

U.S. Department of Commerce, Bureau of public Roads – Design Charts for Open channel Flow.

U.S. Department of Transportation, Federal highway Administration, Drainage of Highway Pavements – Hydraulic Engineering Cir. No. 12

# **POLICY AND PROCEDURE FOR PERMIT APPLICATIONS REVIEW FOR WORK IN PUBLIC SPACE**

## **GENERAL**

Any proposed construction, temporary or permanent, within the Montgomery County Public Right of Way requires a permit from the Department of Permitting Services (DPS). This is a requirement of the Montgomery County Code, Chapter 49-38.

Permit applications can be received from various sources and ways. The applications can be delivered as part of the over all building permit process, through the mail, from a Field Inspector, Engineering firm, or simply over the counter at the information desk.

## **SUBMITTAL REQUIREMENT**

In order to obtain a permit for Construction within the County Right of Way the applicant must complete and submit a yellow permit application titled, "Application for a Permit for Construction on Property Dedicated to Public Use". (Commonly called a Driveway Permit Application).

- a. The applicant should check the appropriate boxes, explaining the intended work.
- b. A site plan, construction drawing, record plat, and or approved preliminary site plan depending on the scope of work.
- c. If there are Department of Public Works and Transportation (DPWT)'s requirements involved as part of the Subdivision Development approval for this permit application, a copy of the DPWT approval letter must be submitted as well

## **GENERAL LOG-IN PROCEDURE**

1. The application is assigned to a Permit Tech to enter into the permits system, and assign a Use Number.
2. The Permit Tech delivers the permit package, (application, plans, etc.) to the Permitting Services Specialist, Plan Reviewer.
3. The Plan Reviewer typically reads the permit application and examines the plans for constructability, Conformance to Montgomery County Specifications and Standards and safety requirements. Commercial sites could also have requirements assigned to the site by DPWT for Right of Way improvements.



**Addition to the above, there are two types of review for "Driveway Permit Applications" for residential work**

**1. The proposed site is within a new subdivision that is currently under an existing paving permit.**

- a. In this case the application is compared with the approved plans and issued paving permit. The review consists of checking to see if the lot is covered under the limits of the paving permit and as to whether the driveways have been included in the bond.
- b. If the paving permit permittee and the driveway permit permittee are the same, and the driveways are included in the paving permit, then the reviewer can approve the release of the building permit.
- c. If the driveways are included under the paving permit and the driveway permittee is different than the paving permit permittee, then the permit can be released with a letter of permission. The letter of permission would consist of the paving permit permittee's letterhead, and state that he gives the driveway permittee permission to work under his paving permit and state the number of the paving permit.
- d. If the driveway permit applicant is unable to obtain a letter of permission from the paving permit permittee or the driveways are not included in the paving permit bond, then the applicant must post the required bond and fee amounts.
- e. A status sheet with requirements are filled out and mailed to the applicant when a letter of permission or bond and fee are required.

**2 The other basic residential review is for individual undeveloped lots.**

- a. The application and plans are reviewed to see if the lot is located within a recent paving permit. If the lot is in fact located within a paving permit that is on file, and the paving permit has been released, then the permit is statused. The paving permit will provide the information needed to status the application with the driveway standard and pipe size, if applicable.
- b. If the lot can not be found in the paving permit files the reviewer should check to see if the lot falls within the limits of one of the rustic roads. The reason for this is that the amount of disturbance for rustic roads is limited to avoid changing the character of the roadway due to construction of the driveway and possible clearing for sight distance requirements. (Sight distances of 150 feet in each direction is all that is required on rustic roads). Experience and judgments are used when large trees can be affected in the clearing operations. Furthermore the reviewer must locate the plat, (if applicable), associated with the building lot to see if there are any access restrictions or required roadway improvements.
- c. The reviewer has the option at this point to send the application and plans to a DPS Field Inspector to do an on site inspection. Once the Inspector completes his pre-inspection he fills out the "Field Report" box located on the application and is returned to the reviewer.

- d. With the information provided from the inspector the permit application can now be statused.
- e. The permit information is written on the application by the reviewer for the Permit Tech to type into the permit application when ready for processing.
- f. A status sheet is sent to the applicant with the required bond and fee requirement.

**“Driveway Permit Applications” for commercial sites also include the previously listed steps 1–4, however special care should be exercised in this more complex review process.**

1. The application and plans should have the relevant items from the commercial check list included.
2. The reviewer schedules a field visit of the site. During the field investigation the plans are reviewed to see that all the current existing features are shown, and to determine whether the proposed construction needs to be altered to address safety or construction requirements. Furthermore, if the site has gone through Development Review Committee (DRC) the reviewer checks to see that the DPWT comments are addressed on the plans.
3. Generally, the plans have omissions from the existing topography or corrections are recommended and returned to the Civil Engineering Firm that did the design.
4. Once the Engineering Firm makes the required corrections to the construction drawings they are returned to the reviewer for approval. This process generally takes more than one review in order to get an acceptable construction drawing.
5. Upon approval of the construction drawing by the reviewer, the bond and fee are determined based on the scope of work and an application is prepared for processing.
6. A status sheet is sent to the applicant with the required bond and fee.

**Work in Public Space for the use of cranes, lane and/or sidewalk closure requires the following information:**

1. A "Driveway Permit Application" should be filled out with the appropriate information provided.
2. Along with the application, a check list, a site plan, and a Traffic control plan should be submitted.
3. Chapter 49-17 of the Montgomery County covers legislation regarding the sidewalk closure.
4. The plan is reviewed by the DPS Reviewer for engineering feasibility and then forwarded to DPWT, Division of Traffic and Parking, for approval of the proposed traffic controls.

5. Traffic will return the approved plan along with a package of boiler plate conditions that include people to contact, i.e.: police, fire rescue. Additionally, any time restrictions, and dates of operation will be included.
6. The DPS Reviewer at this time will review the overall scope of the proposed work and decide if a "Driveway Permit" with a bond and fee will be required. Generally, short term crane operations, (4 or 5 hours or less) is not issued a "Driveway Permit". It is considered a short term operation and only one or two lifts are involved. If the work consists of a large amount of traffic controls, sidewalk closure, and possible damage to the Public Right of Way then the reviewer determines the bond and fee requirements and a status is sent to the applicant.
7. Crane operations also require that the crane company provide a Certificate of Insurance to DPS with Montgomery County named as the certificate holder.

**Non standard items that are proposed to be placed within the Montgomery County Right of Way, Storm Drain Easements and Public Improvement Easements require the following.**

1. A Driveway Permit Application should be filled out stating the object the applicant wishes to place in the Montgomery County controlled space mentioned previously. Typical items that have been approved on a case by case basis include fences, signs, (with the approval of the sign review board), landscaping, canopies, awnings, building facades to name a few. A drawing/and or site plan needs to be included in the submission showing the proposed work with dimensions of encroachment.
2. The reviewer makes a field investigation of the site to determine whether the proposed work will cause any potential problems to the traveling public or DPWT-Division of Highway Services ability to perform maintenance to Public Facilities.
3. If the request is approved the applicant is required to fill out a Declaration of Covenants, (commonly called a revocable permit, or agreement). The owner of the affected property is the party that needs to sign the covenant, including a seal from a Notary Public.
4. The covenant is returned to the reviewer who then forwards it to the DPS County Attorney for signature.
5. The covenant is again returned to the reviewer who contacts the applicant to pickup the covenant and have it recorded in the County Land records. This is done at the recording office, Room 212, in the Judicial Center, in Rockville.

6. The applicant returns the cash register receipt from the fee charged to record the covenant to the reviewer. A copy of the receipt is made and the original returned to the applicant.
7. If the reviewer has determined that a bond and fee are required, those are determined and made part of a "Driveway Permit". This is generally not the case, however when the proposed work could affect any existing improvements Montgomery County maintains, this should be considered.
8. In cases where an additional permit is required, for such as a fence, sign, canopy etc., the applicant is required to acquire said permit from the appropriate office.

# **POLICY AND PROCEDURE FOR UTILITIE PLAN REVIEW AND APPROVAL**

## **GENERAL**

A utility permit is required for all utility construction, reconstruction and maintenance work within Montgomery County Right-of-Way and Easements. It is issued as a Use Permit for utility Construction.

### **Public Utility Companies: (No Bond and Permit Fee Required):**

The following organizations are considered Public Utility Companies as they are regulated by The Public Service Commission.- Washington Gas & Light, Verizon, Pepco, WSSC, Allegheny Power, Baltimore Gas & light

### **Other Utility Companies:**

All Fiber optic and telecommunication companies must obtain Franchise agreement through Montgomery County Attorney's office in order to become eligible for installation of their facilities within Montgomery county public right of way. These Companies must pay permit fee before a permit is issued. Bond for these companies is waived, because posted Franchise bond is sufficient.

## **CONSTRUCTION REQUIREMENT**

All Utility construction, reconstruction or maintenance activities performed within public right of way or easement under the jurisdiction of Montgomery County Department of Permitting Services shall be done under the terms of "Specifications for Utility Construction" and shall conform to all legal requirements of Montgomery County Road Code and specifications and current State of Maryland Standard Specifications for construction and material.

All work shall comply with the Specifications, patch Standard and work zone Traffic control requirements. Installation of utility line and/or house connection must be based on the approved grade establishment and cross section shown.

The permittee shall submit 3 sets of prints of its proposed construction plan and utility application in triplicate. These plans must be dimensioned drawing which includes the following:

- A. Existing topographic detail: Paving, Storm Drain, Other utilities, trees.
- B. Existing right of way easement.
- C. Proposed utility construction: Manhole, street Light, Relocated Utility Poles

Single House service connections and routine maintenance operations that do not involve utility pole relocation and /or replacement shall typically are exempt from permit requirements, except for work on major roadways (80' R/W and higher) and/or Central business District.

All underground Utilities need to be placed within the Public Utility Easement (PUE) except for Water and sewer. Mainline transmission and distribution facilities, manhole and conduits may be exempt due to limited space available within the PUE.

Whenever utility poles are replaced or relocated, these poles need to be placed at the property line or to the maximum distance from the roadway. Minimum distance preferred and 6 ft behind the curb and gutter for closed section and 3 ft behind the invert of the ditch or 12 ft from the edge of pavement to the face of pole whichever is greater.

Utility installation on Rural /Rustic roads shall minimize the impact upon those characteristics which make the roadway classified as Rustic or Exceptional Rustic.

**Specifications:**

No construction shall begin until all rights of way have been acquired.

The permittee shall notify Montgomery County inspector at least 24 hours prior to stating of work.

Traffic must be maintained through all phases of construction.

Roadway bores are to be made at least 36 inches under all bituminous concrete and at least 18 inches under all Portland cement surfaces. Pneumatic punching is acceptable.

Minimum depth of cover for cable TV conduit is 18 inches within the right of way.

All Roadway repairs must comply with the requirement of the specifications and as directed by MCDPS inspector.

Mill and Overlay is required for all major repairs, arterial or higher classified roadways, and lower classified roadway if so specified. (page 8, Specs.).

No parking of utility Vehicles are allowed on sidewalks or areas outside of pavement with prior approval.

No material or equipment shall be stored in the roadway unless authorized by MCDPS inspector.

It is the responsibility of each utility company to obtain all necessary permits, including WSSC and/or MDSHA prior to start of construction.

It is the responsibility of each utility company to obtain Approved Traffic Control Plan (TCP) for any work within Central business District (CBD, Bethesda, Silver spring, Wheaton) and/or roadways classified as Arterial and higher (80' right of way or greater). MCDPW&T (Traffic Engineering Division, approves all TCPs and waivers).

Emergency Work, Maintenance work activity of less than 4 hours total duration, is exempt from TCP requirement. However, proper Traffic devices must be used for safe traffic passage. MCDPS inspector must be informed of any such activities.

### **Water and Sewer Installation by Developers and others:**

#### **Existing Roadway:**

1. Applicant, obtain WSSC's approval for design of the proposed project
2. Submit application, approved plans and engineering cost estimate within the limits of right of way (excluding the pipe).
3. Review plan, determine band and fee

two or more residential house connections and all commercial house connections shall be permitted under this procedure.

Excavation and compaction estimated cost \$23 per cubic yard, under paved section and \$10 per Cubic yard outside of paved area.

Traffic control bonding cost estimate as lump sum \$1000 - \$5000.

#### **New Subdivisions:**

1. Applicant, Obtain WSSC's approval for the proposed project.
2. Review submitted plans, determine bond and fee

Note: Utility Installation could be included in Grading permit without additional bond and fee. Bond for the Grading permit will not be released until the Water and Sewer is installed and the roadway has been regraded.

### **Cable, Telecommunication and Fiber Optics:**

All Telecommunication and Fiber optic Companies must enter into Franchise agreement (FA) with Montgomery County through the County attorney's Office.

Once FA is signed and a copy of the agreement is submitted to MCDPS, sign "utility Specification Agreement Form" and follow the normal procedure like any utility company.

**OTHER MISCELLANEOUS REQUIREMENT:**

Blanket Permit: No such permit exists. All work within MCDPS right of way must be permitted, except for emergency repair and/or routine maintenance with consent of MCDPS inspector.

Soil boring Permit: Requirements of Soil boring permits are the same as any work within the right of way. There are \$500 refundable bond per each test hole required and the fee of 8.25%.

Hansen Data entry: Permit technicians enter all information into Hansen, Utility review and TCP approval will be done by the specialist. Bond and fee are determined by the specialist, Bond and fee are processed by the technicians.

Utility permits expire in 18 months, one year extension will be granting upon written request.

WSSC like any other utility company must obtain permit before start of any proposed work. Emergency repair shall be exempt from permit requirement. MCDPS inspector must be notified of the emergency work ASAP.